

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff

v.

JOSE LUIS HUIZAR,

Defendant.

Case No. 2:20-MJ-2910

**ORDER CONDITIONALLY
APPOINTING COUNSEL FOR
DEFENDANT**

Upon review of Defendant's July 14, 2020 financial affidavit and related financial documents filed in camera with the Court under penalty of perjury, the Court finds that at present Defendant's "net financial resources and income anticipated prior to trial are in excess of the amount needed to provide the person and that person's dependents with the necessities of life and to provide the defendant's release on bond, but are insufficient to pay fully for retained counsel." Guide to Jud. Policy, Vol. 7A, ch. 2, § 210.40.40. Defendant is thus at present eligible for appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A, subject to an order of contribution from those excess funds towards attorneys' fees and necessary defense costs. *See* 18 U.S.C. § 3006A(f).

Subject to this order of contribution, the Court appoints **Carel Alé** and **Charles Snyder** from the Office of the Federal Public Defender to represent Defendant in this case, effective as of the date of Defendant's

post-indictment arraignment (currently July 31, 2020) or August 3, 2020, whichever occurs earlier. Retained counsel are not relieved by the Court until that effective date of appointment.

Starting August 2020, Defendant is ordered to make **monthly** payments of **\$3,000** by no later than the 5th day of each month (or the next business day if the 5th day falls on a weekend or court holiday) until the final disposition of this case. The mandatory monthly payments must be made in the form of a cashier's check or money order, and they must be **received** by the Clerk's Office, as described below, by no later than the 10th day of each month (or the next business day if the 10th day falls on a weekend or court holiday).

This order is subject to reconsideration based on Defendant's then-present financial ability, including the ability to contribute greater or lesser contribution amounts. Defendant must notify and submit to the Court an updated financial affidavit—including bank statements for the preceding three months—if at any time (1) he retains private counsel; (2) he secures employment or restoration of any salary previously received; (3) any family member transfers, directly or indirectly, funds that could be used to retain qualified counsel; or (4) he receives any funds, assets, or gifts from any source that would render Defendant fully ineligible for appointed counsel or partially ineligible for appointed counsel without a change in contribution amount.

Counsel are reminded of their obligation to advise the Court of changes in Defendant's ability to pay. *See* Gen. Order 13-09, § IV.D.2. In addition, the Office of the Federal Public Defender is ordered to maintain contemporaneous monthly records of the number of hours worked for both attorney and non-attorney time, as well as expenditures on expert witness

fees or other litigation costs (such as hosting or review charges from the use of ESI discovery platforms).

Nothing in this order is intended to prevent the District Court at the time of sentencing from ordering additional reimbursement to CJA appropriation funds towards Defendant's attorneys' fees and defense costs—beyond the monthly contributions ordered here—based on financial information in the “presentence report” and “all other available data bearing on the [Defendant's] financial condition.” Guide to Jud. Policy, Vol. 7A, ch. 2, § 210.40.30(d).

All cashier's checks or money orders must be made payable to:
CLERK, U.S. DISTRICT COURT and mailed or delivered to:

United States District Court, Central District of California
Attn: Fiscal Section
255 East Temple Street, Suite TS-134
Los Angeles, California 90012.

Defendant's name and case number must be included on the cashier's check or money order.

Failure to pay the required contribution amount may result in an order finding contempt of court. The Fiscal Section of the Clerk's Office is ordered to notify the Court immediately if any monthly contribution ordered here is unpaid or paid late.

IT IS SO ORDERED.

Dated: July 24, 2020



STEVE KIM
U.S. MAGISTRATE JUDGE

cc: Fiscal; CJA; FPD; PSA